

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ROBERT ROSS PATTON,**

**Defendant.**

**Case No. 22-CR-408-JFH**

**OPINION AND ORDER**

Before the Court is a motion for pretrial determination of Indian country land status (“Motion”) filed by the United States of America (“Government”). Dkt. No. 36. The Government seeks a determination that 15170 East Savage Drive, Claremore, Oklahoma is within the boundaries of the Cherokee Nation. *Id.* at 1. The Government represents that defense counsel objects to the Motion. *Id.*

A “district court can find, as a matter of law, a geographic area or particular location is Indian Country, and then instruct the jury to determine factually whether the offense occurred there.” *United States v. Roberts*, 185 F.3d 1125, 1139-40 (10th Cir. 1999). The party seeking to invoke the jurisdiction of a federal court must demonstrate by a preponderance of the evidence that the case is within the Court's jurisdiction. *United States v. Bustillos*, 31 F.3d 931, 933 (10th Cir. 1994).

Here the Government submits for the Court’s review a map of the Cherokee Nation, showing that 15170 East Savage Drive, Claremore, Oklahoma is within the Nation’s boundaries. Cherokee Nation Boundary Map (last accessed February 10, 2023), <https://cherokee.maps.arcgis.com/apps/webappviewer/index.html?id=921f8793c9914a7792274f72441fad8d>. The Court finds this sufficient to demonstrate by a preponderance of the evidence that

the location of the charged events is within Indian country. A jury, however, will determine the factual question of whether anything of a criminal nature occurred at the 15170 East Savage Drive, Claremore, Oklahoma address.

IT IS THEREFORE ORDERED that the motion for pretrial determination of Indian country land status filed by the United States of America at Dkt. No. 36 is GRANTED.

Dated this 10th day of February 2023.

  
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JOHN E. HEIL, III  
UNITED STATES DISTRICT JUDGE